



Exempt Action Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC40-740
Regulation title	Adult Protective Services
Action title	Amend APS Regulation to Comport with 2012 Legislation
Final agency action date	June 21, 2012
Document preparation date	June 21, 2012

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Amending 22 VAC 40-740 is necessary to comport with legislation passed in the 2012 Session of the General Assembly. Changes include (1) amending the definition of incapacitated person in Section 10 by changing the term “mental retardation” to “intellectual disability” (Chapters 476 and 507 of the 2012 Acts of Assembly); and (2) in Section 50, changing the name of the Department for the Aging to the Department for Aging and Rehabilitative Services (Chapters 803 and 835 of the 2012 Acts of Assembly).

To ensure consistent use of terminology in Section 10 “mental retardation” will be changed to “intellectual disability” in the definition of “lacks capacity to consent.”

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The State Board of Social Services took final action on 22VAC40-740, Adult Protective Services, on June 21, 2012.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

These regulatory changes will not have an impact on the institution of family or family stability.